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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

24574

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
|      |                     |      |                     |
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|      |                     |      |                     |

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

24574

OR

|  |       |     |       |
|--|-------|-----|-------|
| <input type="checkbox"/> Firm or Individual Name |       |     |       |
| Address  |       |     |       |
| City   | State | Zip |       |
| Country  |       |     |       |
| Telephone  |       |     | Email |

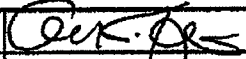
Assignee Name and Address:

Zila Biotechnology, Inc.  
5227 North 7th Street  
Phoenix, AZ 85014-2800

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

|           |   |           |          |
|-----------|---|-----------|----------|
| Signature |  | Date      | 12/05/06 |
| Name      | Gary V. Klinefelter   | Telephone |          |
| Title     | Vice President & General Counsel  |           |          |

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Douglas D. BurkettApplication No./Patent No.: 10/758,936 Filed/Issue Date: January 14, 2004Entitled: METHOD FOR EARLY PREDICTION OF THE ONSET OF INVASIVE CANCERZila Biotechnology, Inc. \_\_\_\_\_, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_%)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Douglas D. Burkett To: Zila, Inc.

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: Zila, Inc. To: Zila Biotechnology, Inc.

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/brennan c swain/May 14, 2007

Signature

Date

Brennan C. Swain310-203-8080

Printed or Typed Name

Telephone Number

Attorney for Assignee

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## ASSIGNMENT

In consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Douglas D. Burkett an individual, hereby sells and assigns to Zila, Inc., a Delaware corporation, its successors and assigns, the entire right, title and interest in and to the improvements described and claimed in International Patent Application entitled "METHOD FOR EARLY PREDICTION OF THE ONSET OF INVASIVE CANCER", (Drummond & Duckworth File No: 344-P-32), and in and to any and all applications for patent and patents therefor in any and all countries, including all divisions, reissues, continuations and extensions thereof, and all rights of application and foreign priority corresponding thereto, and authorizes and requests any official whose duty it is to issue patents, to issue any patent on said improvements or resulting therefrom to said Zila, Inc., its successors and assigns, and agrees that on request and without further consideration, but at the expense of said Zila, Inc., I will communicate to said Zila, Inc., or its representatives or nominees, any facts known to me respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Zila, Inc. its successors, assigns and nominees, to obtain and enforce proper patent protection for said invention in all countries. Douglas D. Burkett covenants with said Zila, Inc., its successors and assigns, that the rights and property hereby conveyed are free and clear of any encumbrance, and that I have

10/10/00 10/10/00

full right to convey the same as herein expressed.

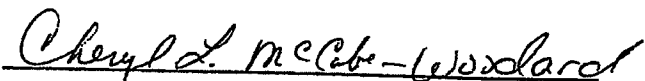
By   
Douglas D. Burkett

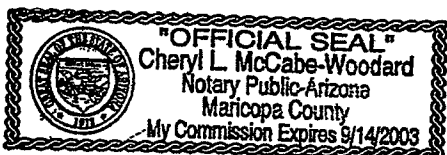
State of Arizona )  
County of Maricopa ) s.s

On June 27, 2000, before me, Cheryl L. McCabe-Woodard,  
Notary Public, appeared Douglas D. Burkett, proved to me on the basis of satisfactory  
evidence OR personally known to me to be the person whose name is subscribed to the  
within instrument and acknowledged to me that he executed the same in his authorized  
capacity, and that by his signature on the instrument the person, or the entity upon behalf of  
which the person acted, executed the instrument.

Subscribed and sworn to before me on June 27, 2000.

(Seal)

  
Notary Public



**ASSIGNMENT**

|                                     |                |     |
|-------------------------------------|----------------|-----|
| (1-8) Insert Name(s) of Assignor(s) | (1) Zila, Inc. | (5) |
|                                     | (2)            | (6) |
|                                     | (3)            | (7) |
|                                     | (4)            | (8) |

In consideration of good and valuable considerations to the undersigned, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to

|   |   |
|---|---|
| (9) Insert name of Assignee   | (9) Zila Biotechnology, Inc.  |
| (10) Insert state of organization of Assignee   | (10) Arizona, U.S.A.  |
| (11) Insert address of Assignee   | (11) 5227 North Seventh Street<br>Phoenix, AZ 85014   |
|   | (hereinafter designated as the Assignee) the entire worldwide right, title and interest in the invention encompassed by                       |
| (12) Insert identification of invention, such as title, case number or foreign application number | (12) U.S. Patent Application No. 10/758,936, filed January 14, 2004<br><br>Title: METHOD FOR EARLY PREDICTION OF THE ONSET OF INVASIVE CANCER |

1) The undersigned agree(s) to execute all papers necessary in connection with the application and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

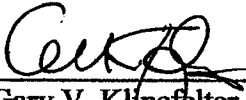
3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the international Convention for Protection of Industrial Property or similar agreements.

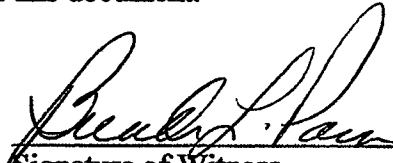
4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

5) The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

6) The undersigned hereby grants ROD S. BERMAN, Reg. No. 31,483; BERNARD R. GANS, Reg. No. 27,443; BRIAN W. KASELL, Reg. No. 33,522; GRANT T. LANGTON, Reg. No. 39,739; GEORGE G. C. TSENG, Reg. No. 41,355; BRENNAN C. SWAIN, Reg. No. 43,175; MICHELLE C. KIM, Reg. No. 51,881; DOUG N. LARSON, Reg. No. 29,401; and ROBERT E. LYON, Reg. No. 24,171, the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent & Trademark Office for Recordation of this document.

13 APR 2007  
Date

  
\_\_\_\_\_  
Gary V. Klinefelter  
Vice President & General Counsel  
ZILA, INC.

  
\_\_\_\_\_  
Signature of Witness  
BRENDA L. PARSON